

REMARKS

By this amendment, claims 5-9, 13-14, 16-28 are pending. Claims 5, 7, and 22 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, p. 6, second paragraph; p. 8, second and third paragraphs; and p. 10, first paragraph of the originally filed disclosure. No new matter is introduced.

Telephonic Interview of March 29, 2012.

Applicants express appreciation for the Examiner's courtesy in granting and conducting a telephonic interview on March 29, 2012. During the interview, the claimed invention was explained in light of Applicants' disclosure, the outstanding issues were discussed. However, no formal agreement was reached.

Claims 5, 7-9, 14, 16-19, 21, 22 and 24-28 were rejected as obvious under 35 U.S.C. §103(a) based on *Naddell et al.* (US Patent 5,613,213) in view of *Salimando et al.* (US Patent 5,561,704). Claims 13, 20, and 23 were rejected as obvious under 35 U.S.C. §103(a) based on *Naddell* in view of *Salimando* and *Alperovich* (US Patent 5819189).

The rejections are respectfully traversed.

With respect to independent claims 5, 7 and 22, Applicants respectfully submit that *Naddell et al.* and *Salimando et al.* taken individually or in combination fail to disclose or render obvious all of the positively recited features of claims 5, 7 and 22.

The Office Action alleges that *Naddell* discloses the features that “the apparatus determines that the apparatus arrives in a localized service area” and “receiving one or more

services localized based upon the localized service area” as recited in independent claim 5, as also similarly recited in independent claims 7 and 22. Applicants respectfully disagree.

When arriving reception ranges of systems A-C, *Naddell's RF* communication unit automatically scans **service availability information** received from the systems A-C for new services available at its currently location, which are then stored in a service table 207 and displayed to the user (col. 3, lines 61-67; col. 4, lines 31-45). This process may occur at a certain predetermined interval of time. *Naddell's* available service table 207 includes a list of systems A-C and a list of services that are currently available through those systems in the respective service areas 105, 106, 107 (FIGs. 1-2). “If the communication unit 108 out of range of that system, it will obviously not receive any service information and consequently will enter no information in the service table under available services.”

Naddell's communication unit simply does not take any action to “determine that the apparatus arrives in a localized service area” of a service, since its reception of the service availability information from a system reflects that it is located in the service range of that system. As admitted by the Examiner, *Naddell's* communication unit neither sends out any message to the systems A-C to indicate that it has arrived in a localized service area.

In addition, *Naddell's* communication unit merely concerns updating service table 207, and fails to “receive, in response to the message, one or more available services localized based upon the localized service area.” *Naddell's* communication unit, at best, receives real time **service availability information** from the systems A-C (col. 5, lines 9-11), but not “receiving any available **services** localized based upon the localized service area.” The portions referenced by the Examiner: FIG. 3 and col. 4, lines 1-10 are simply silent with respect to receiving available services.

The Examiner states in page 3, last two paragraphs of the Office Action that *Naddell* does not teach that the apparatus generates a message..., and causes, at least in part, transmission of the message to a communications system.” Instead, the Examiner relies on *Salimando* for the missing features.

However, *Salimando*’s mobile station 10 only transmits GPS data and a requested service (e.g., fuel, food, directions, auto repair, etc.) to a toll-free number, so as to select and access a conveniently proximate provider of the required service (col. 3, lines 33-37; Abstract). The asserted message in *Salimando* does not **specify** that the apparatus is in the localized service area. The GPS data only specifies the **apparatus’s location**, while the requested service (e.g., fuel, food, directions, auto repair, etc.) only specifies a service the user is interested. Neither the GPS data nor the requested service **specifies** that the apparatus is in the localized service area. *Salimando* relies upon the **remote directory station 11** (rather than “the mobile station 10”) to determine that the apparatus arrives a localized service area of the require service, based upon the GPS data and the requested service sent form the mobile station, as well as its own directory data.

User’s GPS location may be **within** a localized service area such as an airport or cafeteria, but the GPS location is not the localized service area. *Salimando*’s message may specify that “the user device is location at x, y” which is different from specifying that “the user device is in an airport/ cafeteria”. Therefore, the asserted message in *Salimando* does not **specify** that the apparatus is in the localized service area.

In addition, the asserted message in *Salimando* was not generated at the claimed timing, i.e., when the apparatus determines that the apparatus arrives in a localized service area. In *Salimando*, the asserted message is generated upon user’s demand. Since *Salimando*’s user

device does not determine that the user device arrives in a localized service area, *Salimando's* user device cannot and does not use the determination timing to generate the message.

The Examiner failed to provide any motivation to generate a message **specifying** that the apparatus is in **the localized service area**. The asserted motivation, “providing the user of the mobile phone controlling option when the user may initiate sending a request message **about his location and required service** when needed such as emergency situations thus providing the user secure and control feelings and peace of mind when roaming to new areas (p. 4, 2nd paragraph of the Office Action),” at best, supports sending a request message about user location and a required service, but not to support “a message **specifying** that the apparatus is in the localized service area.”

The patentability of claim 19 is separately argued. Claim 19 recites that “the localized service area is an airport or a cafeteria.” The cited portions in *Naddell*: FIG. 1, col. 3, lines 1-17 do not teach an airport or a cafeteria

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejections under 35 U.S.C. §103(a) for obviousness are not factually or legally viable and, hence, solicits withdrawal thereof.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the

undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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